

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

**FINANCIAL EDUCATION
SERVICES, INC., *et al.*,**

Defendants.

Case No. 2:22-cv-11120

Hon. Bernard A. Friedman

**SECOND STIPULATION AND
ORDER TO EXTEND
DEADLINES**

Come now Plaintiff Federal Trade Commission (“FTC”), Defendants Financial Education Services, Inc., United Wealth Services, Inc., VR-Tech, LLC, Youth Financial Literacy Foundation, LK Commerical Lending LLC, and Parimal Naik (collectively, the “FES Defendants”), Defendants VR-Tech MGT, LLC, CM Rent Inc., Statewide Commercial Lending LLC, Michael Toloff, Christopher Toloff, and Relief Defendant Gayle L. Toloff (collectively, the “Toloff Defendants”), and Defendant Gerald Thompson, by and through their respective counsel, and hereby stipulate and agree as follows:

1. On September 1, 2022, the Court entered its initial Scheduling Order for this case (ECF No. 87);
2. On February 16, 2023, the Court entered an order extending the deadlines of the original Scheduling Order for this case. (ECF No. 115)
3. Since that time, the parties have engaged in extensive written discovery and

document production. However recently propounded document discovery remains incomplete and will likely encompass several months of compliance due to the extensive nature of the discovery requests. Moreover, the Parties are concurrently evaluating the sufficiency of discovery responses and the potential need for discovery motions.

4. While discovery is ongoing and the transition to the next phase of discovery – depositions – will soon occur, Plaintiff and most of Defendants have commenced substantive settlement discussions to resolve this matter. These discussions are in their incipient stages and are expected to continue for the next several months, in part due to scheduling conflicts and pre-arranged vacation plans.
5. While that parties acknowledge that the next phase of discovery will soon commence, tentative scheduling of depositions has not yet occurred nor have Rule 30(b)(6) depositions topics been circulated. Scheduling and the conduct of depositions are anticipated to take a number of months, especially should certain trial conflicts of various of the attorneys materialize.
6. The Parties have been pursuing discovery diligently, but in light of the current status of document discovery and the time anticipated for the scheduling and conduct of depositions, the Parties recognize that all this discovery cannot be reasonably completed by the current October 13, 2023 discovery deadline.

7. As such, the parties propose a second extension of the scheduling order deadlines and have jointly agreed to the following schedule:

Discovery to be completed by	March 1, 2024
Expert disclosures due	February 2, 2024
Rebuttal expert disclosures due	February 16, 2024
Parties to inform the Court of their intentions regarding ADR	January 19, 2024
Lay witness lists due by	February 2, 2024
Parties to complete ADR	March 15, 2024
Dispositive Motions due by	May 17, 2024
Responses to dispositive motions due by	June 14, 2024
Replies in support of dispositive motions due by	June 28, 2024
Proposed joint pretrial order due by	September 3, 2024 (or one week before Pre-Trial)
Final pretrial conference/motions in limine due by	September 10, 2024 at 1:30 p.m.
Jury Trial	September 17, 2024 at 9:00 A.M.

8. This stipulation is being made in good faith and at the request of all parties, and not for purposes of delay.
9. This agreement shall be without prejudice to any party

IT IS SO ORDERED.

Dated: September 25, 2023
Detroit, Michigan

s/Bernard A. Friedman
Bernard A. Friedman
Senior United States District Judge

IT IS SO STIPULATED AND AGREED.

Dated: August 24, 2023

Respectfully submitted

/s/Gregory A. Ashe

GREGORY A. ASHE
K. MICHELLE GRAJALES
JULIA E. HEALD
Federal Trade Commission
600 Pennsylvania Avenue NW
Washington, DC 20580
Telephone: 202-326-3719 (Ashe)
Telephone: 202-326-3172 (Grajales)
Telephone: 202-326-3589 (Heald)
Facsimile: 202-326-3768
Email: gashe@ftc.gov,
mgrajales@ftc.gov,
jheald@ftc.gov

DAWN N. ISON
United States Attorney
SUSAN K. DECLERCQ (P60545)
Assistant United States Attorney
211 W. Fort Street, Suite 2001
Detroit, MI 48226
Telephone: 313-226-9149
Email: susan.declercq@usdoj.gov

*Attorneys for Plaintiff Federal Trade
Commission*

/s/Richard W. Epstein (with consent)

RICHARD W. EPSTEIN
ROY TAUB
Greenspoon Marder LLP
200 E. Broward Blvd, Suite 1800
Fort Lauderdale, FL 33301
Telephone: 954-491-1120
Facsimile: 954-333-4027
Email: Richard.epstein@gmlaw.com,
roy.taub@gmlaw.com

MATTHEW S. RAPKOWSKI
Greenspoon Marder LLP
590 Madison Avenue, Suite 1800
New York, NY 10022
Telephone: 212-524-5000
Facsimile: 212-524-5050
Email: matthew.rapkowski@gmlaw.com

GEORGE S. FISH
Young Basile Hanlon & MacFarlane, PC
3001 W. Big Beaver Road, Suite 624
Troy, MI 48084
Email: fish@youngbasile.com

*Attorneys for Defendants Financial Education Servi
Inc., United Wealth Services, Inc., VR-Tech, LLC, Y
Financial Literacy Foundation, and Parimal Naik*

/s/Helen Mac Murray (with consent)

HELEN MAC MURRAY
LISA A. MESSNER
WALTER C. BLACKHAM
ERICA R. HOLLAR
Mac Murray & Shuster LLP
6525 West Campus Oval, Suite 210
New Albany, OH 43054
Telephone: 614-939-9955
Facsimile: 614-939-9954
Email: hmacmurray@mslawgroup.com,
lmessner@mslawgroup.com,
wblackham@mslawgroup.com,
ehollar@mslawgroup.com

DAVID W. WARREN
EMILY R. WARREN
Joelson Rosenberg, PLC
30665 Northwestern Hwy, Suite 200
Farmington Hills, MI 48334
Telephone: 248-855-2233
Facsimile: 248-855-2388
Email: dwarren@jrlawplc.com,
ewarren@jrlawplc.com

*Attorneys for Defendants VR-Tech MGT,
LLC, CM Rent Inc., Michael Toloff, and
Christopher Toloff*

/s/Kerry Lee Morgan (with consent)

KERRY LEE MORGAN
Pentiuk, Couvreur & Kobiljak P.C.
2915 Biddle Avenue, Suite 200
Wyandotte, MI 48192
Telephone: 734-281-7100
Facsimile: 734-281-7102
Email: kmorgan@pck-law.com

Attorney for Defendant Gerald Thompson